

J1000 U.S. PTO  
10/006372VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the language in which the attached MEMORANDUM is written, and that I believe the English translation of the MEMORANDUM is a true and complete translation of the MEMORANDUM.

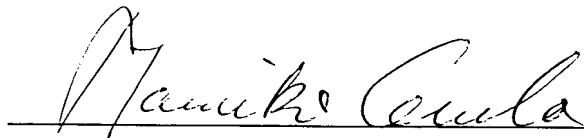
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true ; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 11, 1998

Date:

Tamiko Endo

Full Name of Translator



Signature of Translator

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## MEMORANDUM

By the death of Masahiro SHIBATA, one of the applicants of the patent, the following relationship with respect to legal rights is validated (Title of honor is omitted.):

### STATEMENT

#### First Statement: Heir

1. According to the family register of the inheritee Masahiro SHIBATA, the said person:
  - (1) was born of Hirotaka, a father, and Hamako, a mother, as the eldest son on the 10<sup>th</sup> day of June, 1956 at Koromo City, Aichi Prefecture;
  - (2) had a new family register compiled on the 18<sup>th</sup> day of April, 1987 at the domicile of No. 9, Sotodoi Town, Atsuta Ward, Nagoya, Aichi Prefecture when he married to Midori née KURAHASHI (it should be noted that the name of Midori KURAHASHI was changed to Midori SHIBATA after submitting the notification of marriage.);
  - (3) had his wife Midori born an eldest daughter, Natsumi, on the 6<sup>th</sup> day of September, 1992;
  - (4) had his wife Midori born an eldest son, Raina, on the 1<sup>st</sup> day of May, 1995;
  - (5) was dead on the 15<sup>th</sup> day of March, 1998.
2. According to the above record, the heirs of the inheritee Masahiro SHIBATA are no other than the wife Midori (the spouse), the eldest daughter Matsumi and the eldest son Raina.

Further, the portion of Midori is one half, and the portion of Natsumi and Raina is one quarter, respectively.

It should be noted that in Japan a family register is compiled based on a permanent domicile, and that a family register is supposed to show record of each family member, from birth to death, and identity of each family member as a parent, a child, or as a spouse (as provided in the Family Registration Act).

Consequently, upon investigation of a family register, an heir/heirs can be ascertained.

#### 3. Legal backgrounds are as follows:

##### (1) Provisions relating to Heir

Sec. 887 of the Civil Law Act: The child/children of an interitee shall be an heir/heirs.

Sec. 890 of the Civil Law Act: The spouse of an interatee shall be an heir at all times. In this case, provided there is/are a person/persons who shall be an heir/heirs under the provision of the foregoing Sec. 3 of the Civil Law Act, the inheritance ranking of the spouse shall be the same as that of the said person(s).

In accordance with this provision, the three persons, Midori, Natsumi and Raina are, respectively, ranked in the same place as heirs. It should be noted that Sub-sec. 1 of Sec. 889 of the Civil Law Act describes that a linear descendant/linear descendants shall have a right to be an heir/heirs in a particular case where the inheritee has no children. Accordingly, although the parents who correspond to the linear descendants of the inheritee Masahiro SHIBATA are alive, the said persons have no right of receiving inheritance because the inheritee does have children.

## (2) Provisions Relating to Portion

Sec. 900 of the Civil Law Act: Where there are several heirs ranked in the same place, the portions shall be decided in accordance with the following provisions.

Para. 1 of Sec. 900 of the Civil Law Act: Where the heirs are a child/children and a spouse, portions of the child/children and the spouse shall be one half, respectively.

Para. 4 of Sec. 900 of the Civil Law Act: Where there are several children, linear descendants, or brothers and sisters, each of them shall receive an even portion.

In accordance with the foregoing Sections, the portion of the spouse Midori is one half, and the portion of the eldest daughter Natsumi and the eldest son Raina is one quarter, respectively (one half of the portion is evenly divided by the two children).

## Second Statement: Legal Representative of Minor

1. As described above, since Natsumi SHIBATA was born on the 6<sup>th</sup> day of September, 1992 and Raina SHIBATA, on the 1<sup>st</sup> day of May, 1995, both of them are minors. Accordingly, as long as legal actions of the said minors are concerned, Midori SHIBATA, a mother having parental authority of the legal heirs, is supposed to act on behalf thereof.

2. Legal backgrounds are as follows:

(1) Sub-sec. of Sec. 818 of the Civil Law Act: A child/Children who does/do not reach full age shall yield itself/themselves to the parental authority of its/their father and/or mother.

In the present case wherein the father is dead, the mother is supposed to solely execute the parental authority.

(2) The text of Sec. 824 of the Civil Law Act: A person/Persons who execute(s)

parental authority shall control the inheritance of the child/children, and shall be a representative/representatives of the child/children as far as legal actions with respect to the inheritance are concerned.

The provision given above interprets that a person/persons who has/have a parental authority become(s) a legal representative/legal representatives.

I swear that the foregoing are true and correct in every particular to the best of my knowledge.

The 17<sup>th</sup> day of July, 1998

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(Seal of the Attorney)

あるが、直系尊属は民法889条第1項により、被相続人に子のない場合に限って第2順位の相続人となる資格を有するものであるから、子が存在する本件では直系尊属としての相続権は発生しない。

(2) 相続分に関する規定

民法第900条「同順位の相続人が数人あるときは、その相続分は、左の規定に従う」

同条第1号「子及び配偶者が相続人であるときは、子の相続分及び配偶者の相続分は、各2分の1とする」

同条第4号「子、直系尊属又は兄弟姉妹が数人あるときは、各自の相続分は相等しいものとする」

この規定により妻みどりの相続分は2分の1、長女夏海と長男来南の相続分は各4分の1ずつとなる（2分の1を2人で等分する）。

第2、未成年者法定代理人について

1、前述のとおり、柴田夏海は平成4年（1992年）9月6日生れ、柴田来南は平成7年（1995年）5月1日生れであり、2人とも未成年者であるから、同人らの法律行為については、柴田みどりが法定相続人親権者母として子の法律行為を代理することとなる。

2、法律上の根拠は次のとおり。

(1) 民法第818条第1項「成年に達しない子は、父母の親権に服する。」

本件では、父親が死亡しているので、母が単独で親権を行使することになる。

(2) 民法第824条本文「親権を行う者は、子の財産を管理し、又、その財産に関する法律行為についてその子を代表する。」

この場合、「代表」とは、法律行為については「代理」を意味するので、この規定により、親権者が法定代理人となる。

以上のとおり、相違ないものである。

平成10年（1998年）7月17日

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## 覚書

特許出願人である柴田真弘の死亡による権利関係は次のとおりである（尚、敬称略とする）。

### 記

#### 第1、相続人について

1、被相続人柴田真弘の戸籍謄本によれば、同人は、

- (1) 昭和31年6月10日、愛知県挙母市において、父廣孝、母濱子の長男として出生、
- (2) 昭和62年4月18日、旧姓倉橋みどりとの婚姻届出により、愛知県名古屋市熱田区外土居町9番に新戸籍を編成（尚、婚姻届出により倉橋みどりは柴田みどりとなる）、
- (3) 平成4年（1992年）9月6日、妻みどりとの間に長女夏海が出生、
- (4) 平成7年（1995年）5月1日、妻みどりとの間に長男来南が出生、
- (5) 平成10年（1998年）3月15日、死亡しているものである。

2、上記の経歴によれば、被相続人柴田真弘の相続人は、配偶者である妻のみどりと長女夏海、長男来南の3名であり、他に相続人は存在しない。

又、みどりの相続分は2分の1、夏海と来南の相続分は各4分の1ずつとなるものである。

なお、付言すれば、日本国民はその本籍地を基準に戸籍が編成されており、戸籍簿には人の出生から死亡までの親・子・配偶者に関する身分関係が記載される仕組みとなっている（戸籍法に規定されている）。

従って、戸籍謄本を調査すれば判明するのである。

#### 3、法律上の根拠は次のとおり

- (1) 相続人に関する規定

民法第887条「被相続人の子は、相続人となる。」

民法第890条「被相続人の配偶者は、常に相続人となる。この場合において、前3条の規定によって相続人となるべき者があるときは、その者と同順位とする。」

この規定により、みどり、夏海、来南の3名が同順位の相続人となる。

なお、被相続人柴田真弘には、その直系尊属に当たる父母が存命中で